

**A G E N D A**

**BOARD OF SHELBY COUNTY COMMISSIONERS**

**CHARTER FORM OF GOVERNMENT**

**JUNE 7, 2004**

**1:30 P.M. COMMISSION CONVENES**

**CALL TO ORDER**

**INVOCATION** Reverend Mario Malvenuto,  
Hispanic Ministries, Bellevue Baptist Church

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**Approval of Minutes of Previous Sessions**  
**April 12, 2004**

**C O N S E N T   A G E N D A**

**Resolutions of Memorial, Sympathy and Commendation**

1. Resolution honoring the Memphis Elite Varsity Coed Team.

**Ordinances**

- KIRK 2. **ORDINANCE – FIRST READING** – Ordinance fixing the tax rate for Shelby County for 2004.

- AVERY 3. **ORDINANCE – FIRST READING** – Ordinance by the Board of Commissioners for Shelby County, Tennessee, to amend Chapter 14.5 of the Code of Shelby County to retain the same annual emission fee amount for calendar year 2003 and to adjust scheduled fees for inflation.

**Zoning and Subdivisions**

- HOOKS 4. Resolution approving various subdivision contracts, plats, extensions, bond releases, etc. as recommended by the County Engineer.

**Reports and/or Resolutions of Standing Committees**

- KIRK 5. Resolution authorizing the use of funds restricted by Resolution #22 adopted December 6, 1993 to allow for cash flow needs for the remainder of FY2004 and FY2005.

- KIRK 6. Resolution authorizing Interfund Loans.

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| KIRK    | 7.  | Resolution appropriating \$100,000.00 from FY2003/2004 CIP Project No. 101935, WKNO, to assist in the funding for the renovation of its current facility and for the addition of a new technology center.  |
| KIRK    | 8.  | Resolution to approve an amendment to the contract between CIMS Global Technology Solutions, Inc. and Shelby County Government, Information Technology Department, for document management consulting services, software and hardware, and to appropriate funds from FY2003/2004 Operations and Maintenance Budget, account number 010-201807-6634, Outside Consultant Fees in the amount of \$60,275.00, account number 010-201807-7003, Computer Hardware and Software in the amount of \$85,000.00, and account number 031-610501-6016, Sheriff's Department Data Processing Supplies in the amount of \$89,207.00, for a total amount of \$234,482.00. |
| KIRK    | 9.  | Resolution approving the reclassification of two (2) positions within the Shelby County Roads and Bridges Department.  |
| LILLARD | 10. | Resolution authorizing the Shelby County Division of Public Works to apply for a Roadside Litter Grant.  |
| LILLARD | 11. | Resolution approving expenditure of funds by Shelby County Government to Lone Star Industries and Metro Materials Company for ready mix concrete in the approximate amount of \$95,000.00 from July 1, 2004 through June 30, 2005.   |
| LILLARD | 12. | Resolution approving expenditure of funds by Shelby County Government to Lehman-Roberts Company, APAC Tennessee and Standard Construction Company for plant mix asphalt in the approximate amount of \$450,000.00 from July 1, 2004 through June 30, 2005.   |
| LILLARD | 13. | Resolution authorizing the mayor to enter into a contract with Ferrell Paving, Inc. for the construction of improvements at Houston Levee Road (Canada Road) from U.S. 64 to I-40, appropriating funds in the amount of \$1,556,508.31 and appropriating \$155,650.83 for extra work allowance from the FY2003/04 Budget for CIP Project Number 100129, Houston Levee Road.  |
| LILLARD | 14. | Resolution authorizing the mayor to enter into a contract with White Contracting, Inc. for the construction of intersection improvements at Houston Levee Road and Raleigh-LaGrange Road in the amount of \$349,332.18 and appropriating \$34,933.21 for extra work allowance and \$22,500.00 for Performance Incentive Clause from the FY2003/04 Budget for CIP Project Number 100129, Houston Levee Road.  |
| LILLARD | 15. | Resolution authorizing the mayor to enter into a contract with White Contracting, Inc. for the improvements of Houston Levee Road from Winchester to Bailey Station Road, appropriating funds in the amount of \$2,392,784.19 and appropriating funds in the amount of \$239,278.41 for extra work allowance from Project Number 1001929, Houston Levee Road.  |

THOMPSON	16.	Resolution approving an expenditure of funds not to exceed \$1,010,000.00 with Rural/Metro Mid-South, L.P. for emergency ambulance services in Shelby County.
THOMPSON	17.	Resolution approving a contract with ESI Companies, Inc. and appropriating funds in the amount of \$1,500,147.00 from CIP Budget #101502, for renovation of jail security control centers, Phase II.
THOMPSON	18.	Resolution approving the expenditure of funds in the amount of \$75,000.00 to Transcor America, LLC for prisoner extradition services for the Sheriff's office, Fugitive Division.
THOMPSON	19.	Resolution appropriating funds to purchase 95 in-vehicle laptop computers by Shelby County Government from Hewlett Packard in the amount of \$166,345.00 for the Sheriff's office.
HOOKS	20.	Resolution to approve the expenditure of funds in the amount of \$180,840.00 to Nelson Ford for the purchase of fifteen (15) new and unused vehicles for the Office of Construction Code Enforcement and to appropriate funds from the FY2003/04 Operating Budget.
MOSS	21.	Resolution to appropriate funds in the amount of \$757,440.00 for acquisition and closing costs of land and right-of-way for Wolf River Ecosystem Restoration Project from the FY2003/04 CBA budget for Project Number 101906, Chickasaw Basin Authority, and amending the FY2003/04 CIP Budget.
MOSS	22.	Resolution to approve the agreement with Air Technical Services in the amount of \$108,251.00 for the replacement of two (2) HVAC units, #3 and #14, at Agricenter International, and to appropriate funds in the amount of \$108,251.00 from FY04 CIP Budget, Project #101904, Agricenter International.
MOSS	23.	Resolution to change vendor name on Resolution Number 17 adopted September 29, 2003.
FORD	24.	Resolution approving a one-year contract renewal amendment with CIGNA Healthcare for the county's self insured CIGNA POS Healthcare Plan renewal of contract for period July 1, 2004 through June 30, 2005; cost of plan was included in the county's total health plan premium cost previously approved by resolution adopted April 12, 2004 and to become effective July 1, 2004.
FORD	25.	Resolution approving a two-year contract renewal with Lakeside Behavioral Health Systems, LLC, professionals and facilities, July 1, 2004 through June 30, 2006 to provide services for the Shelby County Employee Assistance Program (EAP).

**REGULAR AGENDA**

**Elections, Appointments, and Confirmations**

**Ordinances**

HOOKS                      26.     **ORDINANCE – THIRD READING** – An Ordinance to amend Chapter 7, Article XI, of the Code of Ordinances of Shelby County, Tennessee relative to security alarm services.  
(Approved in committee)

HOOKS                      27.     **ORDINANCE – THIRD READING** –  
(Approved in committee 10/22, 11/5, 11/19; deferred by Commission to 1/12/04, 1/26/04, 2/23/04, 3/8/04, 3/22/04, and to 4/12 and 4/26 by OPD; deferred to 5/17 by SC, and approved in committee 5/12; then 5/17 deferred to 6/7 where it was  
Approved in committee 6/2)  
An Amendment to the Joint Ordinance by the City Council of the City of Memphis and Resolution by the Board of the County Commissioners of Shelby County, creating the **Memphis and Shelby County Office of Construction Code Enforcement** and prescribing its power and duties; providing for the creation of a Joint Board of Appeals and the election of its chairman and vice chairman; providing for an Administrator and two Deputy Administrators for the office; Providing for the distribution of funds accruing to said office and for the sharing the expense of operation of said board and office by said governmental bodies; adopting the current Shelby County Construction Codes and the Memphis and Shelby County Construction Codes; and authorizing the development of policies, procedures and approval procedures by both legislative bodies for a Commercial Demolition Program and authorizing certain commercial demolition activities.

**Zoning and Subdivisions**

HOOKS                      28.     **CASE NO. P.D. 03-367 CO** –                      (Sheila Pounders, OPD)  
APPLICANT: Braizemore Estates, LLC  
(FAILED in committee on 5/12  
& deferred to 6/7 Commission)  
LOCATION: North side of Pleasant Ridge Road; +1,230.5 feet west of Sledge Road  
**[Withdrawn by Applicant 6/3]** REQUEST: Planned development to permit 149 single family detached homes with a minimum lot size of 15,054 square feet in accordance with the Single Family Residential (R-S15) District  
Memphis and Shelby County Office of Planning and Development recommendation:  
REJECTION  
Memphis and Shelby County Land Use Control Board recommendation:  
REJECTION  
(Notice of public hearing published in the Daily News on Friday, May 7, 2004.)

HOOKS (Deferred to 6/21)	29.	<b>CASE NO. P.D. 03-353 CC</b> <b>APPLICANT:</b> Belz Investco GP <b>LOCATION:</b> The southern terminus of Windyke, Clubview and Greenbelt Drives; +/- 170 feet south of Glen Eden Drive <b>REQUEST:</b> Planned development to create a mixture of lot sizes ranging between a minimum 3,500 square feet to a maximum 10,000 square feet in accordance with the bulk regulations of the R-S & R-TH Districts. Memphis and Shelby County Office of Planning and Development recommendation: <b>APPROVAL WITH CONDITIONS</b> Memphis and Shelby County Land Use Control Board recommendation: <b>APPROVAL WITH CONDITIONS</b> (Notice of public hearing published in the Daily News on Friday, May 7, 2004.)	(Brian Bacchus, OPD)
HOOKS (Failed in committee 6/2) (Deferred by app to 6/21)	30.	<b>CASE NO. U.V. 04-02 CC</b> <b>APPLICANT:</b> Bruce Wring <b>LOCATION:</b> East side of Riverdale Road; +34 feet south of Fernbank Lane <b>REQUEST:</b> Office Memphis and Shelby County Office of Planning and Development recommendation: <b>REJECTION</b> Memphis and Shelby County Land Use Control Board recommendation: <b>REJECTION</b> (Notice of public hearing published in the Daily News on Friday, May 7, 2004.)	(Carlos McCloud, OPD)
HOOKS (Approved in committee)	31.	<b>CASE NO. Z 04-116 CC</b> <b>APPLICANT:</b> Trimark, LLC <b>LOCATION:</b> North side of Holmes Road; beginning 515+ feet west of Autumn Forrest Drive; extending north to the southern termini of Autumn Evening Lane and Autumn Morning Lane. <b>REQUEST:</b> Single Family Residential (R-S10) District Memphis and Shelby County Office of Planning and Development recommendation: <b>APPROVAL</b> Memphis and Shelby County Land Use Control Board recommendation: <b>APPROVAL</b> (Notice of public hearing published in the Daily News on Friday, May 7, 2004.)	(Burke Renner, OPD)

Reports and/or Resolutions for Standing Committees

KIRK	32.	An Initial Resolution authorizing the execution and delivery of a supplement to the amended and restated <u>Interlocal Agreement</u> dated May 15, 2002 to effect the refinancing of the Memphis Arena Project to be refinanced by the Memphis and Shelby County Sports Authority, Inc., relating to the issuance of not exceeding an aggregate principal amount of \$230,000,000.00 (Two Hundred Thirty Million) of Revenue Refunding Bonds of the authority in two or more series pursuant to the provisions of Chapter 67, Title 7 and Parts 3 and 10 of Chapter 21 of Title 9 of the Tennessee Code Annotated to finance and refinance a portion of the cost of the acquisition, construction and equipping of the Memphis Arena Project; and providing an effective date.	
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| <b>AVERY</b>  | <b>33. Resolution approving the sale of the assets of Oakville Health Care Center ("Oakville") to Americare Corporation, effective July 1, 2004.</b>   |
| <b>HOOKS</b><br>(Approved w/amendments<br>in committee 6/2) | <b>34. Joint Resolution of the City Council of the City of Memphis and the Board of County Commissioners of Shelby County, Tennessee establishing the 2003-2004 budget for the Commercial Demolition Program and designating projects under that budget.</b>   |
| <b>HOOKS</b>  | <b>35. Resolution to amend the Codes Enforcement Fund FY2004 Budget for demolition projects, authorize and appropriate one demolition project, and authorize contracts from the FY2005 Budget for four demolition projects.</b>  |
| <b>HOOKS</b>  | <b>36. Resolution amending the Permanent Rules of Order of the Shelby County Board of Commissioners by adding a new clause to Rule 32(b) in order to provide for notice by noon Thursday prior to the scheduled Monday meeting for any request for a continuance of a Land Use case.</b>   |
| <b>BOLTON</b>   | <b>37. Resolution ratifying Chapter No. 118 of the Tennessee Private Acts of 2004, House Bill Number 3599, Senate Bill Number 3506, entitled "An Act to amend Chapter 131 of the Private Acts of 1969, as amended by Chapter 173 of the Private Acts of 1971, Chapter 85 of the Private Acts of 1987; Chapter 74 of the Private Acts of 1995; Chapter 57 of the Private Acts of 2001; and any other acts amendatory thereto, relative to the Privilege Tax upon hotel occupancy in Shelby County."</b> |

#### **Announcements/Statements**

#### **Adjournment**

- 38. Resolution of Adjournment to June 21, 2004.**